



September 9, 2016

Via FOIAonline

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

**Re: Freedom of Information Act Request for Records Related to Duke Energy Progress'
Roxboro Steam Electric Plant, Air Quality Title V Permit No. 01001T49**

Dear Freedom of Information Officer:

In accordance with the provisions of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and pertinent Environmental Protection Agency ("EPA") regulations, 40 C.F.R. Part 2, the Sierra Club requests the following records pertaining to its Petition Requesting that the Administrator Object to Issuance of the Proposed Title V Operating Permit for Duke Energy Progress' Roxboro Steam Electric Plant, Permit No. 01001T49, filed on June 24, 2016, and EPA's review of the proposed permit:

1. All records pertaining to communications between private (non-governmental) entities and EPA regarding Duke Energy Progress' Roxboro Steam Electric Plant, Title V Permit No. 01001T49;
2. All records pertaining to communications between the North Carolina Department of Environmental Quality ("DEQ") and EPA regarding the Roxboro Plant's Title V Permit No. 01001T49;
3. All records pertaining to communications between DAQ and EPA concerning Sierra Club's Petition Requesting that the Administrator Object to Issuance of the Proposed Title V Operating Permit for Roxboro Steam Electric Plant;
4. Any other communications or comments received by EPA regarding Permit No. 01001T49;
5. Any responses by EPA to such communications or comments;
6. Any evaluation conducted by EPA regarding the sulfur dioxide emissions limits for the Roxboro Plant;
7. Any other records relating to Duke Energy Progress' compliance with the laws and regulations governing emissions of sulfur dioxide from the Roxboro Plant; and
8. Any records relating to the use of air dispersion modeling and/or the determination not to use air dispersion modeling in connection with the proposed permit.

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For purposes of this request, the term "records" encompasses, but is not limited to, any and all documents, correspondence, minutes of meetings, calendar appointments, memoranda, notes, e-mails, notices, facsimiles, charts, tables, presentations, orders, filings, and other writings (handwritten, typed, electronic, or otherwise produced, reproduced, or stored) that pertain to the specified topic.

To the extent that the requested records are available in a readily accessible electronic format, we would prefer to receive records electronically, either by email or on a CD. If electronic copies are unavailable, we will accept paper copies. Please send records to Steve Goldstein at steve.goldstein@sierraclub.org or mail them to:

Steve Goldstein
Sierra Club
50 F Street, NW, 8th Floor
Washington, DC 20001

We would appreciate if EPA produces the records on a rolling basis. At no point should EPA's search for, or deliberations concerning, certain records delay the production of others that EPA has already retrieved and elected to produce. In the event that EPA concludes that some of the records requested above may already be publicly available, we will be happy to discuss those conclusions. Please do not hesitate to call or e-mail with questions.

Sierra Club additionally requests that EPA waive the fees it would otherwise charge for search and production of the records described above. FOIA dictates that requested records be provided without charge "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government; and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii); 40 C.F.R. § 2.107(l). The requested disclosure meets these requirements and each of the factors to be considered in determining whether a fee waiver is justified. *See* 40 C.F.R. § 2.107(l).

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Thank you for your prompt attention to this request.

Sincerely,

/s/ Steve Goldstein

Steve Goldstein

Legal Fellow¹

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¹ Maryland Bar Admission Pending